

SUPREME COURT: STATE OF NEW YORK
COUNTY OF ULSTER

-----X
BRIANNA GREEN,

Plaintiff,

- against -

CSX TRANSPORTATION, INC.,

Defendant.
-----X

Index No.:

SUMMONS

Plaintiff designates ULSTER
County as the place of trial.

The basis of venue is: Ulster
Plaintiff resides at:
Kingston, NY
County of ULSTER

To the above-named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Kingston, New York
August 28th, 2020



KEVIN C. HARP, ESQ.
O'CONNOR & PARTNERS, PLLC
Attorneys for Plaintiff(s)
255 Wall Street
Kingston, New York 12401
Phone: (845) 303-8777

To: CSX TRANSPORTATION, INC.
500 Water St., C106
Jacksonville, FL 32202

SUPREME COURT: STATE OF NEW YORK
COUNTY OF ULSTER

-----X
BRIANNA GREEN,

Plaintiff,

COMPLAINT

- against -

Index No.:

CSX TRANSPORTATION, INC.,

Defendant.
-----X

Plaintiff BRIANNA GREEN, by her attorneys, O'CONNOR & PARTNERS, PLLC
complaining of the Defendant, respectfully alleges as follows, upon information and
belief:

1. At all times herein mentioned, Plaintiff BRIANNA GREEN was, and still is, a
resident of the County of ULSTER, State of New York.
2. At all times herein mentioned, Defendant CSX TRANSPORTATION, INC., was
and still is a domestic corporation organized and existing under and by virtue of
the laws of the State of New York.
3. At all times herein mentioned, upon information and belief, the defendant, CSX
TRANSPORTATION, INC., was and still is a foreign corporation authorized to
do business within the State of New York.
4. At all times herein mentioned, upon information and belief, the defendant, CSX
TRANSPORTATION, INC., was and still is an unauthorized foreign corporation
doing business within the State of New York.
5. At all times herein mentioned, upon information and belief, the defendant, CSX

TRANSPORTATION, INC., was and still is a business entity duly authorized to transact business in the State of New York.

6. At all times herein mentioned, upon information and belief, the defendant, CSX TRANSPORTATION, INC., contracted to supply goods and/or services within the State of New York.
7. At all times hereinafter mentioned, defendant, CSX TRANSPORTATION, INC., is a common carrier engaged in the operation of a railroad interstate, between New York, New Jersey and Pennsylvania.
8. At all times herein after mentioned, defendant, CSX TRANSPORTATION, INC., was and still is a common carrier engaged in the operation of a railroad intrastate, within the State of New York.
9. At all times herein mentioned, Abeel Street in the City of Kingston, County of Ulster, State of New York, were public roadways and/or thoroughfares.
10. That on July 30, 2019, Defendant CSX TRANSPORTATION, INC., its agents and/or employees, were operating a train on the railroad tracks that are above the aforementioned location.
11. That on July 30, 2019, Plaintiff BRIANNA GREEN was operating her motor vehicle at the aforementioned location.
12. That on July 30, 2019, defendant, CSX TRANSPORTATION, INC, its agents and/or employees, were operating a certain CSX railroad train at the aforementioned location when debris, more specifically, rocks, were caused to precipitate off said CSX train and negligently struck the motor vehicle that

plaintiff was operating which then caused her to rear end another vehicle at the aforementioned location.

13. That as a result of the aforesaid negligence, Plaintiff BRIANNA GREEN was injured.
14. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendant, its agents, servants and/or employees without any fault or negligence on the part of the Plaintiff contributing thereto.
15. Upon information and belief, at the aforesaid time and location, Defendant, CSX TRANSPORTATION, INC., its agents servants and/or employees were negligent in operating said CSX railroad train that was obstructed, unreasonably safe, and/or dangerous resulting in an collision.
16. That Defendant, its agents servants and/or employees were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid CSX Train and the Defendant was otherwise negligent, careless and reckless under the circumstances then and there prevailing.
17. That by reason of the foregoing, Plaintiff BRIANNA GREEN sustained severe and permanent personal injuries and was otherwise damaged.
18. That Plaintiff BRIANNA GREEN sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.
19. That Plaintiff BRIANNA GREEN sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the

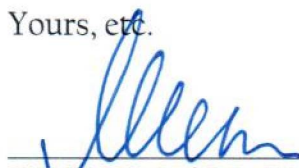
State of New York.

20. That Plaintiff BRIANNA GREEN is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse Plaintiff. Plaintiff is seeking to recover only those damages not recoverable through no-fault insurance under the facts and circumstances in this action.
21. That this action falls within one or more of the exceptions set forth in CPLR §1602.
22. That by reason of the foregoing, Plaintiff BRIANNA GREEN has sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff BRIANNA GREEN demands judgment against the Defendant CSX TRANSPORTATION, INC., together with the costs and disbursements of this action.

Dated: Kingston, New York
August 28th, 2020

Yours, etc.



KEVIN C. HARP, ESQ.
O'CONNOR & PARTNERS, PLLC
Attorneys for Plaintiff
255 Wall Street
Kingston, New York 12401
Phone: (845) 303-8777



**Service of Process
Transmittal**

02/05/2021

CT Log Number 539018695

TO: Csx Legal Papers
Csx Corporation
500 WATER ST # J150
JACKSONVILLE, FL 32202-4423

RE: Process Served in New York

FOR: CSX Transportation, Inc. (Domestic State: VA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: BRIANNA GREEN, PLTF. vs. CSX TRANSPORTATION, INC., DFT.

DOCUMENT(S) SERVED: Letter, Notice, Summons, Complaint, Attachment(s)

COURT/AGENCY: Ulster County: Supreme Court, NY
Case # FF20202135

NATURE OF ACTION: Personal Injury - Vehicle Collision - 07/30/2019

ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY

DATE AND HOUR OF SERVICE: By Certified Mail on 02/05/2021 postmarked: "Illegible"

JURISDICTION SERVED : New York

APPEARANCE OR ANSWER DUE: Within 20 days after service, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Kevin C. Harp
O'CONNOR & PARTNERS, PLLC
255 Wall Street
Kingston, NY 12401
845-303-8777

ACTION ITEMS: CT has retained the current log, Retain Date: 02/09/2021, Expected Purge Date: 02/14/2021

Image SOP

Email Notification, Csx Legal Papers legalpapersintake@csx.com

Email Notification, Cathy Hilf cathy_hilf@csx.com

REGISTERED AGENT ADDRESS: C T Corporation System
28 Liberty Street
New York, NY 10005
866-401-8252
EastTeam2@wolterskluwer.com

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